

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CARLOS ANTONIO TUCKER,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

**8:23CV552**

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 26](#), and Application for Certificate of Appealability, [Filing No. 27](#). Petitioner filed a Notice of Appeal, [Filing No. 25](#), on July 16, 2025. Petitioner appeals from the Court's Memorandum and Order and Judgment dated June 24, 2025, [Filing Nos. 23 & 24](#), in which the Court dismissed his habeas petition with prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The Court finds that because Petitioner proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

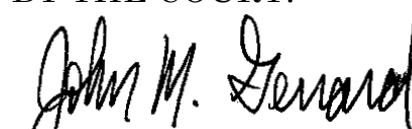
Petitioner's Application for Certificate of Appealability, [Filing No. 27](#), is clearly addressed to the Eighth Circuit Court of Appeals, as this Court previously determined that it would not issue a certificate of appealability. See [Filing No. 23 at 7](#). The Court, therefore, will direct the Clerk of the Court to terminate the motion event associated with [Filing No. 27](#) and transmit the Application to the Eighth Circuit Court of Appeals along with Petitioner's Notice of Appeal.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 26](#), is granted.
2. The Clerk of the Court is directed to terminate the motion event for [Filing No. 27](#), Petitioner's Application for Certificate of Appealability, and transmit [Filing No. 27](#) to the Eighth Circuit Court of Appeals as a supplement to Petitioner's Notice of Appeal.

Dated this 24th day of July, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Senior United States District Judge